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INTERNATIONAL COPPER STUDY GROUP
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Item 8 of the provisional agenda

ADOPTION OF THE RULES OF PROCEDURE

Addendum

Annex III

COMMENTS BY CHILE

Comments on the Rules of Procedure of the International Copper Study Group submitted by the UNCTAD secretariat and the United States delegation

1. The most important aspect of the proposed rules concerns the procedure for the adoption of decisions.

Paragraph 8 (b) of the terms of reference of the International Copper Study Group stipulates that the Group, the Standing Committee and such committees and subsidiary bodies as may be established shall take decisions by consensus and without a vote, except in the case of decisions for which "a specific voting majority" is specified in the terms of reference or in the rules of procedure.

Subparagraph (c) of the same paragraph stipulates that each member State shall be entitled to one vote.

In these circumstances, the rules for a quorum for meetings and for the adoption of decision submitted by the United States (rules 9 and 12 of the rules of procedure, respectively) are counter to both the letter and spirit of the terms of reference.

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Under rule 9 of the rules proposed by the United States "The quorum for any meeting shall be the presence of a simple majority of the members, [provided that such majority includes members responsible for at least half of the total budget]."

For its part, rule 12 stipulates that "[All] decisions, except as otherwise specified in the terms of reference,] shall normally be taken by consensus ((and without a vote)). [No vote shall be taken until the Chairman determines that all efforts to achieve a consensus have been exhausted]. If a vote is necessary, it may be taken by a show of hands, roll-call or secret ballot. [Decisions for which a vote is necessary shall be taken by a simple majority of the members present and voting, provided that such majority includes members responsible for at least three quarters of the total budget, except for the election of officers or where otherwise specified in the rules of procedure]. ((In accordance with the request, a simple majority vote of the members present will confirm any decision except where otherwise specified in the rules of procedure)). [Officers will be elected by a two-thirds majority vote of the members present, which may be taken by secret ballot.]"

Thus, a dual requirement which does not appear in the terms of reference is introduced: first of all, for a meeting to be held the presence of a simple majority of members responsible for at least half of the total budget is needed, and, secondly, for the adoption of decisions the majority mentioned above must include members responsible for at least three quarters of the total budget.

This entails a departure from the principle of equal participation by all member States, as their votes are weighted and thus not of equal value.

Consequently, it would seem more reasonable to establish quorums without any reference to member States' participation in the budget, but solely on the basis of the number of members with voting rights present, thus preventing the presence or absence of one of the members responsible for a larger share of the budget from being used to exert pressure or to hinder the Group in performing the role vested in it by the terms of reference.

In order for meetings to be held it would be more appropriate to adopt a quorum based on a simple majority, in compliance with the rule laid down in the provisional rules of procedure submitted by the UNCTAD secretariat.

Decisions should be adopted by consensus, or in the case of decisions concerning the budget, the requirement of a two-thirds majority of the members present and voting could be introduced. For other decisions, a simple majority would suffice.

In this connection, it should be pointed out that the rules of procedure of the International Nickel Study Group stipulate the "presence of a simple majority of the Members" as a quorum for their meetings and for the adoption of decisions. The rules of procedure of the International Lead and Zinc Study Group require a quorum of "a majority of its members" for meetings and "a two-thirds majority of members present and voting" in the case of decisions concerning the budget. It should also be borne in mind that in both cases consensus is the basic rule for the adoption of decisions.

2. The following amendments are also important:

(a) Rule 4: Chile believes that it is important to determine who would be responsible for any additional expenditure entailed by meetings which are not held at the Group's headquarters. Accordingly, we agree with the proposed amendment submitted by the United States which stipulates that such expenditure shall be born by the hosting Government.

(b) Rule 13: It follows from our objection to the proposed amendment to rule 12 that we also object to the proposed amendment to rule 13.

(c) Rule 23: In Chile's view the need to ensure the efficient day-to-day working of the Group makes it necessary to adopt the United States dollar as the currency in which the accounts shall be kept and the budget prepared.

(d) Rule 24: This will need to be amended accordingly.

Moreover, this rule concerns the suspension of the voting rights of countries that have been in arrears for two financial years.

In our view, this solution encourages late payment and is not conducive to the efficient operation of the Group. Accordingly, Chile agrees with Norway that the period should be reduced to one financial year.

(e) Rule 32: The United States proposal concerning the normal working language of the Standing Committee (English only) is a solution which in our view is neither appropriate nor in accordance with the composition of the Group. Accordingly, Chile considers that the normal working languages of the Standing Committee should be the official languages of the Group (English, French and Spanish).

(f) Rule 33: We believe it should be specified that one of the meetings of the Standing Committee should coincide with the Group's general session.

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